



April 7, 2003

---

---

## ENGROSSED SENATE BILL No. 440

---

DIGEST OF SB 440 (Updated April 2, 2003 2:39 PM - DI 69)

**Citations Affected:** IC 13-11; IC 13-17; IC 14-28; noncode.

**Synopsis:** Various environmental matters. Defines "emission data" for purposes of environmental management laws. Prohibits the air pollution control board (board) from adopting rules to require motor vehicle emissions testing in Clark and Floyd counties after December 31, 2006. Allows the budget agency to approve testing if necessary to avoid a loss of federal highway funding. Prohibits the board from establishing fees to be paid for testing. Adopts the National Flood Insurance Program regulations as the criteria for determining whether a person is allowed to construct a new residence in a floodway along the Ohio River. Specifies the lowest floor of a new residence constructed in a floodway must be at least two feet above the 100 year frequency flood elevation. Requires the board to adopt by November 1, 2004, new rules to incorporate certain federal requirements concerning sources of air pollution and to establish specified significant net emission increase rates for certain pollutants. Allows the board to adopt certain requirements with respect to the air pollution rules. Requires the water pollution control board to adopt certain rules concerning outstanding state resource waters and exceptional use waters.

**Effective:** December 31, 2000 (retroactive); December 31, 2002 (retroactive); January 1, 2003 (retroactive); upon passage; July 1, 2003.

---

---

### Gard, Hume

(HOUSE SPONSORS — BOTTORFF, WOLKINS)

---

---

January 21, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

January 27, 2003, amended; reassigned to Committee on Environmental Affairs.

February 25, 2003, amended, reported favorably — Do Pass.

March 3, 2003, read second time, amended, ordered engrossed.

March 4, 2003, engrossed. Read third time, passed. Yeas 48, nays 0.

#### HOUSE ACTION

March 13, 2003, read first time and referred to Committee on Environmental Affairs.

April 7, 2003, amended, reported — Do Pass.

---

---

ES 440—LS 7879/DI 13+



C  
o  
p  
y

April 7, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 440

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources and environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-11-2-66.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 66.3.**  
4 **"Emission data", for purposes of environmental management laws,**  
5 **means:**

6 (1) **the identity, amount, frequency, concentration, or other**  
7 **characteristics of a contaminant that:**

8 (A) **has been emitted from an emission unit;**

9 (B) **results from an emission by the emission unit;**

10 (C) **the emission unit was authorized to emit under an**  
11 **applicable standard or limitation; or**

12 (D) **is a combination of any of the items described in**  
13 **clauses (A) through (C);**

14 (2) **the:**

15 (A) **name, address, or other description of the location of;**  
16 **and**

17 (B) **the nature of;**

ES 440—LS 7879/DI 13+



the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation that constitutes the emission unit; or

(3) information that is necessary to determine or calculate emission data described in subdivision (1), including:

(A) rate of operation;

(B) rate of production;

(C) rate of raw material usage; or

(D) material balance;

if the information is contained in a permit to ensure that the permit is enforceable under state or federal law.

SECTION 2. IC 13-11-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 130.5. "Periodic vehicle inspection program"**, for purposes of IC 13-17-5, means a program requiring a motor vehicle registered in a county to undergo a periodic test of emission characteristics and be repaired and retested if the motor vehicle fails the emissions test. The term includes entering into and managing contracts for inspection stations.

SECTION 3. IC 13-17-5-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6.6. (a)** The board may not adopt a rule that establishes fees to be paid by persons having their motor vehicles tested under this chapter.

**(b)** This section expires January 1, 2007.

SECTION 4. IC 13-17-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 9. (a)** After December 31, 2006, the board may not adopt a rule under air pollution control laws that requires motor vehicles to undergo a periodic test of emission characteristics in the following counties:

(1) A county having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).

(2) A county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).

**(b)** After December 31, 2006, 326 IAC 13-1.1 is void to the extent it applies to a county referred to in subsection (a).

**(c)** Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the



C  
o  
p  
y

board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee, shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision.

SECTION 5. IC 14-28-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26.5. (a) This section applies to the following activities:

(1) The placement or replacement of a mobile home within a boundary river floodway.

(2) The repair of a residence that:

(A) is located in a boundary river floodway; and

(B) has been damaged by floodwaters or another means; except for the reconstruction of a residence to which section 25 of this chapter applies.

(3) The construction of an:

(A) addition to; or

(B) improvement of;

a residential structure within a boundary river floodway.

**(4) The construction of a new residence within a boundary river floodway.**

(b) The federal regulations that:

(1) were adopted by the director of the Federal Emergency Management Agency to implement the National Flood Insurance Act (42 U.S.C. 4001 et seq.);

(2) are published in 44 CFR Parts 59 through 60; and

(3) are in effect on January 1, 1997;

are adopted as the criteria for determining whether an activity referred to in subsection (a) is allowed in Indiana. **However, the lowest floor**

C  
o  
p  
y



1 **of a new residence constructed within a boundary river floodway**  
 2 **referred to in subsection (a)(4) must be at least two (2) feet above**  
 3 **the one hundred (100) year frequency flood elevation.**

4 (c) A person who wishes to perform an activity referred to in  
 5 subsection (a) is authorized to perform the activity if:

6 (1) the federal regulations described in subsection (b) as the  
 7 governing criteria allow the activity; and

8 (2) the person obtains a permit for the activity under this section.

9 (d) To obtain a permit for an activity referred to in subsection (a),  
 10 a person must:

11 (1) file with the director a verified written application for a permit  
 12 on a form provided by the department; and

13 (2) pay to the department a nonrefundable fee of ten dollars (\$10).

14 (e) An application filed under this section must:

15 (1) set forth the material facts concerning the proposed activity;  
 16 and

17 (2) in the case of an activity described in subsection (a)(1), ~~or~~  
 18 (a)(3), **or (a)(4)**, include plans and specifications for the  
 19 construction, reconstruction, or repair.

20 (f) If an application submitted under this section meets the  
 21 requirements set forth in subsections (d) and (e), the director may not  
 22 reject the application unless the regulations adopted as the governing  
 23 criteria under subsection (b) do not allow the activity.

24 (g) If the federal regulations adopted as the governing criteria under  
 25 subsection (b) authorize a type of activity only when certain conditions  
 26 are met, a permit that the director issues for that type of activity may  
 27 require the applicant, in carrying out the activity, to meet the same  
 28 conditions.

29 (h) If:

30 (1) there is a dispute under this section about the elevation of a  
 31 site; and

32 (2) the elevation of the site has been determined by a registered  
 33 land surveyor;

34 the elevation determined by the registered land surveyor must be used  
 35 as the accepted elevation.

36 SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The air**  
 37 **pollution control board shall, as expeditiously as possible and**  
 38 **before November 1, 2004, adopt:**

39 **(1) rules that incorporate by reference the definitions and**  
 40 **requirements of:**

41 **(A) 40 CFR 51.165; and**

42 **(B) 40 CFR 51.166;**



C  
o  
p  
y

as in effect on March 3, 2003; and

(2) rules that establish significant net emission increase rates for pollutants as follows:

(A) Seven thousandths (0.007) of a ton per year for asbestos.

(B) Four ten-thousandths (0.0004) of a ton per year for beryllium.

(C) One-tenth (0.1) of a ton per year for mercury.

(D) One (1) ton per year for vinyl chloride.

(b) In the adoption of rules under subsection (a)(1), the board may establish a requirement that no proposed:

(1) major stationary source; or

(2) major modification of a stationary source:

may cause an emissions increase that will exceed eighty percent (80%) of the available growth increment allowed under the prevention of significant deterioration air permit program.

(c) The following do not apply to the adoption of rules under subsection (a):

(1) IC 13-14-9-3.

(2) IC 13-14-9-4.

(d) 326 IAC 2-2 is void to the extent that it is inconsistent with the rules adopted under subsection (a) on the date on which the rules adopted under subsection (a) take effect.

(e) Nothing in this SECTION may be construed as preventing the department of environmental management from receiving approval from the United States Environmental Protection Agency to administer the prevention of significant deterioration air permit program.

(f) This SECTION expires January 1, 2005.

SECTION 7. [EFFECTIVE DECEMBER 31, 2000 (RETROACTIVE)] (a) As used in this SECTION, "board" refers to the water pollution control board established by IC 13-18-1.

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the board for waters in the Great Lakes system. This SECTION does not affect the authority of the board to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use



C  
o  
p  
y

waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required and that amounts to a significant lowering of water quality, the permittee shall demonstrate an overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to:

(1) the approval of the department of environmental management; and

(2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B).

(d) Any rule adopted by the board before the effective date of this SECTION is void to the extent that it:

(1) is inconsistent with this SECTION; or

(2) requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

(e) Before July 1, 2004, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this SECTION.

(f) This SECTION expires on the earlier of:

(1) the effective date of the rule amendments adopted by the board under subsection (e); or

(2) July 1, 2006.

SECTION 8. [EFFECTIVE DECEMBER 31, 2002 (RETROACTIVE)] (a) Until July 1, 2004, the following apply to a water body designated before October 1, 2002, as an exceptional use water:

(1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l).

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of P.L.140-2000.

(b) Before July 1, 2004, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective July 1, 2004, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires July 1, 2006.

SECTION 9. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 440, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 440 as introduced.)

GARTON, Chairperson

C  
o  
p  
y





## COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 440, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning environmental law.

Page 1, line 3, delete "November 1, 2003" and insert "**March 1, 2004**".

Page 1, line 12, delete "on the earlier of:" and insert "**to the extent that it is inconsistent with the rules adopted under subsection (a) on the date on which the rules adopted under subsection (a) take effect.**

**(d) Nothing in this SECTION shall be construed as preventing the department of environmental management from receiving approval from the United States Environmental Protection Agency to administer the prevention of significant deterioration air permit program."**

Page 1, delete lines 13 through 17.

Page 2, delete lines 1 through 2.

and when so amended that said bill do pass.

(Reference is to SB 440 as printed January 28, 2003.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 3.

C  
o  
p  
y



## SENATE MOTION

Mr. President: I move that Senator Hume be added as second author of Senate Bill 440.

GARD

## SENATE MOTION

Mr. President: I move that Senate Bill 440 be amended to read as follows:

Page 1, line 3, delete "adopt rules that incorporate by reference" and insert: **"adopt:**

**(1) rules that incorporate by reference the definitions and requirements of:**

**(A) 40 CFR 51.165; and**

**(B) 40 CFR 51.166;**

**as in effect on March 3, 2003; and**

**(2) rules that establish significant net emission increase rates for pollutants as follows:**

**(A) Seven ten-thousandths (0.0007) of a ton per year for asbestos.**

**(B) Four ten-thousandths (0.0004) of a ton per year for beryllium.**

**(C) One-tenth (0.1) of a ton per year for mercury.**

**(D) One (1) ton per year for vinyl chloride.**

**(b) In the adoption of rules under subsection (a)(1), the board may establish a requirement that no proposed:**

**(1) major stationary source; or**

**(2) major modification of a stationary source:**

**may cause an emissions increase that will exceed eighty percent (80%) of the available growth increment allowed under the prevention of significant deterioration air permit program."**

Page 1, delete lines 4 through 7.

Page 1, line 8, delete "(b)" and insert "(c)".

Page 1, line 12, delete "(c)" and insert "(d)".

Page 1, line 15, delete "(d)" and insert "(e)".

Page 1, line 15, delete "shall" and insert "**may**".

Page 2, line 3, delete "(e)" and insert "(f)".

(Reference is to SB 440 as printed February 26, 2003.)

GARD



C  
O  
P  
Y

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 440, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources and environmental law.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-66.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 66.3. "Emission data", for purposes of environmental management laws, means:**

**(1) the identity, amount, frequency, concentration, or other characteristics of a contaminant that:**

**(A) has been emitted from an emission unit;**

**(B) results from an emission by the emission unit;**

**(C) the emission unit was authorized to emit under an applicable standard or limitation; or**

**(D) is a combination of any of the items described in clauses (A) through (C);**

**(2) the:**

**(A) name, address, or other description of the location of; and**

**(B) the nature of;**

**the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation that constitutes the emission unit; or**

**(3) information that is necessary to determine or calculate emission data described in subdivision (1), including:**

**(A) rate of operation;**

**(B) rate of production;**

**(C) rate of raw material usage; or**

**(D) material balance;**

**if the information is contained in a permit to ensure that the permit is enforceable under state or federal law.**

SECTION 2. IC 13-11-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 130.5. "Periodic vehicle inspection program", for purposes of IC 13-17-5, means a program**



C  
o  
p  
y

requiring a motor vehicle registered in a county to undergo a periodic test of emission characteristics and be repaired and retested if the motor vehicle fails the emissions test. The term includes entering into and managing contracts for inspection stations.

SECTION 3. IC 13-17-5-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6.6. (a) The board may not adopt a rule that establishes fees to be paid by persons having their motor vehicles tested under this chapter.

(b) This section expires January 1, 2007.

SECTION 4. IC 13-17-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) After December 31, 2006, the board may not adopt a rule under air pollution control laws that requires motor vehicles to undergo a periodic test of emission characteristics in the following counties:

(1) A county having a population of more than seventy thousand (70,000) but less than seventy-one thousand (71,000).

(2) A county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000).

(b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent it applies to a county referred to in subsection (a).

(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee, shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency



C  
o  
p  
y

**determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision.**

SECTION 5. IC 14-28-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26.5. (a) This section applies to the following activities:

- (1) The placement or replacement of a mobile home within a boundary river floodway.
- (2) The repair of a residence that:
  - (A) is located in a boundary river floodway; and
  - (B) has been damaged by floodwaters or another means; except for the reconstruction of a residence to which section 25 of this chapter applies.
- (3) The construction of an:
  - (A) addition to; or
  - (B) improvement of;
 a residential structure within a boundary river floodway.
- (4) The construction of a new residence within a boundary river floodway.**

(b) The federal regulations that:

- (1) were adopted by the director of the Federal Emergency Management Agency to implement the National Flood Insurance Act (42 U.S.C. 4001 et seq.);
- (2) are published in 44 CFR Parts 59 through 60; and
- (3) are in effect on January 1, 1997;

are adopted as the criteria for determining whether an activity referred to in subsection (a) is allowed in Indiana. **However, the lowest floor of a new residence constructed within a boundary river floodway referred to in subsection (a)(4) must be at least two (2) feet above the one hundred (100) year frequency flood elevation.**

(c) A person who wishes to perform an activity referred to in subsection (a) is authorized to perform the activity if:

- (1) the federal regulations described in subsection (b) as the governing criteria allow the activity; and
- (2) the person obtains a permit for the activity under this section.

(d) To obtain a permit for an activity referred to in subsection (a), a person must:

- (1) file with the director a verified written application for a permit on a form provided by the department; and
- (2) pay to the department a nonrefundable fee of ten dollars (\$10).

(e) An application filed under this section must:

- (1) set forth the material facts concerning the proposed activity;

C  
o  
p  
y



and

(2) in the case of an activity described in subsection (a)(1), ~~or~~ (a)(3), **or (a)(4)**, include plans and specifications for the construction, reconstruction, or repair.

(f) If an application submitted under this section meets the requirements set forth in subsections (d) and (e), the director may not reject the application unless the regulations adopted as the governing criteria under subsection (b) do not allow the activity.

(g) If the federal regulations adopted as the governing criteria under subsection (b) authorize a type of activity only when certain conditions are met, a permit that the director issues for that type of activity may require the applicant, in carrying out the activity, to meet the same conditions.

(h) If:

(1) there is a dispute under this section about the elevation of a site; and

(2) the elevation of the site has been determined by a registered land surveyor;

the elevation determined by the registered land surveyor must be used as the accepted elevation."

Page 1, line 3, delete "March" and insert "**November**".

Page 1, line 11, delete "ten-thousandths (0.0007)" and insert "**thousandths (0.007)**".

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE DECEMBER 31, 2000 (RETROACTIVE)] **(a) As used in this SECTION, "board" refers to the water pollution control board established by IC 13-18-1.**

**(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the board for waters in the Great Lakes system. This SECTION does not affect the authority of the board to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.**

**(c) All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required and that amounts to a significant lowering of water quality, the permittee shall demonstrate an**



C  
O  
P  
Y

overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to:

- (1) the approval of the department of environmental management; and
- (2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B).
- (d) Any rule adopted by the board before the effective date of this SECTION is void to the extent that it:
  - (1) is inconsistent with this SECTION; or
  - (2) requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).
- (e) Before July 1, 2004, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this SECTION.
- (f) This SECTION expires on the earlier of:
  - (1) the effective date of the rule amendments adopted by the board under subsection (e); or
  - (2) July 1, 2006.

SECTION 8. [EFFECTIVE DECEMBER 31, 2002 (RETROACTIVE)] (a) Until July 1, 2004, the following apply to a water body designated before October 1, 2002, as an exceptional use water:

- (1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l).
- (2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of P.L.140-2000.
- (b) Before July 1, 2004, the water pollution control board established under IC 13-18-1 shall:
  - (1) determine whether, effective July 1, 2004, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and
  - (2) complete rulemaking to make any designation determined under subdivision (1).
- (c) This SECTION expires July 1, 2006."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 440 as reprinted March 4, 2003.)

BOTTORFF, Chair

Committee Vote: yeas 10, nays 3.

ES 440—LS 7879/DI 13+



Copy